

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

**JESSE PIERCE and MICHAEL PIERCE,
on behalf of themselves and all others similarly situated,**

Plaintiffs,

v.

Civil Action No.: 3:13-cv-00641-PLR-CCS

**WYNDHAM VACATION RESORTS, INC., and
WYNDHAM VACATION OWNERSHIP, INC.,**

Defendants.

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
ON THE CLAIMS OF ADAM BATE, MELISSA EVANS, JOSEPH HOPE,
MITZI LINDSEY AND JUANITA MOORE**

Defendants Wyndham Vacation Resorts, Inc. and Wyndham Vacation Ownership, Inc. ("Wyndham" or "Defendants"), pursuant to Fed. R. Civ. P. 56, move for summary judgment on the claims of the following opt-in Plaintiffs:

- Adam Bate ("Bate"),
- Melissa Evans ("Evans"),
- Joseph Hope ("Hope"),
- Mitzi Lindsey ("Lindsey"), and
- Juanita Moore ("Moore").

These Plaintiffs' claims are barred by the doctrine of judicial estoppel, based upon their nondisclosure of this lawsuit and/or their claims for back overtime pay in the bankruptcy proceedings of each Plaintiff.

Defendants also request that the Court award them their reasonable attorneys' fees and other costs associated with defending these barred claims.

Respectfully submitted,

s/ James R. Mulroy, II

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of March, 2016, filed the foregoing document using the Court's CM/ECF filing system, which will automatically send e-mail notification of such filing to the following individuals of record:

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